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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,397	02/17/2004	Matthew J. Wagner	200314073-1	1613

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INTELLECTUAL PROPERTY ADMINISTRATION  
FORT COLLINS, CO 80527-2400

EXAMINER
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ABBASZADEH, JAWEED A

ART UNIT	PAPER NUMBER
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2115

NOTIFICATION DATE	DELIVERY MODE
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06/25/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/780,397	<b>Applicant(s)</b> WAGNER ET AL.	
	<b>Examiner</b> JAWEED A. ABBASZADEH	<b>Art Unit</b> 2115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/14/2008</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

Claims 1-46 are presented for examination.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Yeates et al. (hereinafter 'Yeates') US 2005/0125698.**

Yeates et al. was cited as the prior art reference in the last office action. The relevant teachings as set forth in the last office action are hereby incorporated by reference.

As to claims 1-46, Yeates et al. teach these claims according to the reasoning set forth in the previous office action.

#### ***Response to Amendment***

The affidavit filed on 3/12/2008 under 37 CFR 1.131 has been considered but is ineffective to overcome the Yeates reference.

The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Yeates reference. While conception is the mental part

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of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897). Applicant submits that pages 5 and 6 of Exhibit A include an explanation/illustration of the subject matter of the claims in the present application. Examiner respectfully disagrees with this claim as page 5 specifically states,

“-The computer BIOS stores the created password using a security subsystem that incorporates any number of attributes, but that at a minimum would incorporate some mechanism for controlling access to encrypted data.”

“-When access to the protected device is required, the security subsystem would first authenticate the user or other requestor. Successful authentication would then allow the above-created password to be decrypted and used to access the protected device.”

The above cited description basically shows that a password is first created and stored. When the device needs to be accessed, the user is authenticated and the previously created password is then decrypted and used to access the device. Page 6 of Exhibit A has a similar description. Claim 1 specifically states,

“...authenticate an identity of a user and, ***in response to user authentication, automatically generate, transparently to the user, device credential data verifiable by the authentication system to enable user access...***”

This claim is inconsistent with the description provided in pages 5 and 6 of Exhibit A. According to the claim a user is first authenticated, then a password is generated to access the device. This means that the password would never have been previously stored. Applicant provided arguments filed 10/29/2007 stating on page 8,

“Jamieson appears to disclose that, when a user initially accesses a first domain, the first domain verifies the credentials of the user requesting access using the credential record. Thereafter, **using a credential store**, the first domain of Jamieson appears to look up and identify the corresponding credentials for a second domain in Jamieson in which the user is requesting access. Thus, the Jamieson system appears to use a stored table of credentials to look up the corresponding credentials for accessing the different domains in Jamieson. **Therefore, the credentials being looked up in Jamieson appear to have been previously created and stored and, thus, are not generated.**”

Therefore, Applicant provided arguments stating that previously created and stored credentials cannot be generated. Examiner respectfully submits that the above discussion shows that Applicant has not provided sufficient evidence proving conception of the invention prior to the effective date of the Yeates reference.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAWEED A. ABBASZADEH whose telephone number is (571)270-1640. The examiner can normally be reached on Mon-Fri: 7:30 a.m.-5:00 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on (571) 272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jaweed A Abbaszadeh/  
Examiner, Art Unit 2115  
6/13/2008

/Thomas Lee/  
Supervisory Patent Examiner, Art Unit 2115